## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

LA'TOSHA BAXTER o/b/o L.D.,	)
Plaintiff,	)
v.	) CIVIL ACTION NO. 2:05cv424-T
JO ANNE B. BARNHART, COMMISSIONER OF SOCIAL SECURITY,	) ) )
Defendant.	) )

## **ORDER**

On September 26, 2005, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, which Recommendation is hereby adopted, it is

ORDERED and ADJUDGED that the defendant's motion to dismiss (Doc. No. 8) be and is hereby DENIED and that this case be and is hereby REFERRED BACK to the Magistrate Judge for further appropriate proceedings.

Done this the 26th day of October 2005.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE